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Signature

Application No. : 09/755,769

Confirmation No. : 3165

Applicant : SHAHINE, et al.

Title : A SYSTEM AND METHOD FOR DYNAMICALLY
DISPLAYING PRIORITIZED DATA OBJECTS

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APPEAL BRIEF UNDER 37 CFR 41.37**I. REAL PARTY IN INTEREST**

The subject application is assigned to Microsoft Corporation, of Redmond Washington.

II. RELATED APPEALS AND INTERFERENCES

There are no known related appeals or interferences.

III. STATUS OF CLAIMS

1. Claims 1 through 57 represent all claims currently pending in the application.
2. Claims 1 through 57 are rejected.
3. The rejection of claims 1-57 is hereby appealed.

IV. STATUS OF AMENDMENTS

No amendments are currently pending.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The pending patent application includes three independent claims: claims 1, 27 and 45. A summary of the subject matter claimed in each independent claim is provided below:

a. Subject Matter of Independent Claim 1:

In general, the subject matter of claim 1 relates to a system which operates to dynamically display data objects on a computer display device based on a separate priority that is automatically associated with each individual data object.

For example, as illustrated by FIG. 4 and FIG. 5, the claimed system begins operation by “automatically associating a priority with each data object in a set of data objects” (references 410 and 500 of FIG. 4 and FIG. 5, respectively). As described in the specification, data objects represent “variables for holding information, such as, for

example, an email address, phone number, or birthday for a contact in an electronic address book, or any other information that can be categorized and stored in a database or other electronic data source" (see page 13, lines 23-26 of the specification).

The prioritized data objects are then used to begin an automatic population of a *visible display area* of the computer display device (reference 530 of FIG. 5) by arranging the position of each data object in order of the priority associated with each data object (page 16, lines 17-29 of the specification). The amount of available space in the visible display area is automatically determined (reference 520 of FIG. 5, and page 17, lines 22-28 of the specification).

One important point to consider with respect to the claimed system is that the automatically arranged positions of the data objects within the visible display area are *not* predefined. For example, as noted above, the claimed data objects generally represent different "variables" which hold a variety of information. As such, displaying each individual data object may require various amounts of display space within available display area. Consequently, *predefined* arrangements, such as the grid pattern provided by the Microsoft Windows NT 4.0 reference cited by the Examiner are not sufficient for arranging the data objects. In other words, the claimed system automatically arranges the position of each data object by determining priority-based placements of the data objects *without* placing those objects into a predefined arrangement such as a grid pattern (see elements 520, 530, and 550 of FIG. 5, and page 19, lines 8-26 of the specification).

Finally, the claimed priority-based automatic population of the display device with the data objects continues *until* such time as the *visible* display area of the display device has been filled with data objects. In other words, the population of the display device with the display *terminates* as soon as the visible display area is filled (reference 520 and 530 of FIG. 5). Note that conventional features such as scroll bars and the like are *not* used to allow continued population of the display once the *visible* area has been filled with higher priority data objects.

b. **Subject Matter of Independent Claim 27:**

In general, the subject matter of claim 10 relates to a computer-implemented process for automatically displaying contact information for contacts in an electronic address book.

The claimed process begins by selecting a particular contact in the electronic address book (element 500 of FIG. 5). In this case, each “contact” represents a set of variables which include the claimed “elements of contact information,” with each element of that information having a separate priority. Examples of the individual elements of contact information include, but are not limited to: a name, home address, work address, email address, telephone number, personal information such as a birthday, spouse’s name, names of children, etc. (see FIG. 7 and page 13, lines 23-26 of the specification).

A display area (such as a “window”) is then provided within a computer display device for displaying one or more of the elements of contact information (element 520 of FIG. 5). It should be noted that this claimed “display area” expressly does *not* have a predefined layout for displaying the elements of contact information. One important reason for not providing a predefined layout for displaying the various elements of contact information is that because each the various elements of contact information may include different information, the display space requirements for each element of contact information may be different. Consequently, ***predefined*** arrangements, such as the grid pattern provided by the Microsoft Windows NT 4.0 reference cited by the Examiner are not sufficient for arranging the various elements of contact information. In other words, the claimed process automatically arranges the position of each of the various elements of contact information by determining priority-based placements of the elements of contact information *without* placing those elements of contact information into a predefined arrangement such as a grid pattern (see elements 520, 530, and 550 of FIG. 5, and page 19, lines 8-26 of the specification).

In particular, given the claimed display area described above, the claimed process operates to dynamically generate a priority-based layout of contact elements within the display area (see elements 520 and 530 of FIG. 5). The dynamically generated layout is created by automatically determining and arranging a position of at least one of the elements of the contact information within the display area based on the priority associated with each of the elements of the contact information (see element 530 of FIG. 5). Further, it should be noted that this priority-based layout of the elements of the contact information proceeds in order of priority, from highest priority to lowest priority *only* for as long as there is available space within the display area. In other words, the dynamic generation of the layout *terminates* as soon as the visible display area is filled (reference 520 and 530 of FIG. 5). Note that conventional features such as scroll bars and the like are *not* used to allow continued population of the display area once the *visible* area has been filled with higher priority elements of the contact information.

c. **Subject Matter of Independent Claim 45:**

In general, the subject matter of claim 45 relates to a computer-readable medium having computer executable instructions for dynamically displaying a subset of data elements on a computer display device.

The claimed computer executable instructions begin operation by automatically assigning a priority to each data element (references 410 and 500 of FIG. 4 and FIG. 5, respectively). As described in the specification, data elements represent “variables for holding information, such as, for example, an email address, phone number, or birthday for a contact in an electronic address book, or any other information that can be categorized and stored in a database or other electronic data source” (see page 13, lines 23-26 of the specification).

Once the claimed computer executable instructions have assigned priorities to each individual data element, the data elements are sorted in order of highest priority to

lowest priority (see element 510 of FIG. 5, and page 17, lines 21-22 of the specification).

A display area (such as a “window”) is then provided within a computer display device for displaying one or more of the data elements (element 520 of FIG. 5). It should be noted that this claimed “display area” expressly does *not* have a *predefined* layout within which the data elements are displayed. One important reason for not providing a predefined layout for displaying the various data elements is that because each the various data elements may include different information, the display space requirements for each data element may be different. Consequently, *predefined* arrangements, such as the grid pattern provided by the Microsoft Windows NT 4.0 reference cited by the Examiner are not sufficient for arranging the various data elements. In other words, the claimed computer executable instructions automatically arranges the position of each of the various data elements by determining priority-based placements of the data elements *without* placing those data elements into a predefined arrangement such as a grid pattern (see elements 520, 530, and 550 of FIG. 5, and page 19, lines 8-26 of the specification).

In particular, given the claimed display area described above, the claimed computer executable instructions operate to automatically generate a priority-based layout of data elements within the display area (see elements 520 and 530 of FIG. 5). The dynamically generated layout is created by automatically arranging and displaying as many of the data elements as will fit within the display area based on the priority associated with each of the data elements (see element 530 of FIG. 5). Further, it should be noted that this priority-based layout of the data elements proceeds in order of priority, from highest priority to lowest priority *only* for as long as there is available space within the display area (i.e., “displaying as many of the data elements as will fit within the display area”). In other words, the generation of the layout of data elements *terminates* as soon as the display area is filled (reference 520 and 530 of FIG. 5). Note that conventional features such as scroll bars and the like are *not* used to allow

continued population of the display area with additional data elements once the display area has been filled with higher priority data elements.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- a. Claims 1-4, 7-15, 17-19 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, et al., (U.S. Patent No. 5,923,327, hereinafter "**Smith**") in view of "Screen Dumps of Microsoft Windows NT Version 4.0 (hereinafter "**MS Win**").
- b. Claims 5-6, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over **Smith** in view of **MS Win** in further view of Baldwin, et al. (U.S. Patent No. 6,496,201 B1, hereinafter "**Baldwin**").
- c. Claims 20-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over **Smith** in view of **MS Win**, and further in view of Shirakawa (U.S. Patent No. 5,956,738, hereinafter "**Shirakawa**").
- d. Claims 24-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over **Smith** in view of **MS Win**, in further view of Fernandes (U.S. Patent No. 6,014,135, hereinafter "**Fernandes**").
- e. Claims 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over **Smith** in view of **MS Win** in view of **Fernandes** and further in view of **Shirakawa**.
- f. Claims 27-28, 31-39, and 42 stand rejected under 35 U.S.C. §103(a), as being unpatentable over **Smith** in view of **MS Win**.
- g. Claims 29-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over **Smith** in view of **MS Win** and in further view Cushman, et al. (U.S. Patent No. 6,125,287, hereinafter "**Cushman**").

- h. Claims 40-41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over **Smith** in view of **MS Win**, and further in view of **Shirakawa**.
- i. Claim 43 stands rejected under 35 U.S.C. §103(a) as being unpatentable over **Smith** in view of **MS Win**, and in further view of **Fernandes**.
- j. Claim 44 stands rejected under 35 U.S.C. §103(a) as being unpatentable over **Smith** in view of **MS Win** in view of **Fernandes** and further in view of **Shirakawa**.
- k. Claims 45-47, and 55-57 stand rejected under 35 U.S.C. §103(a), as being unpatentable over **Smith** in view of **MS Win**.
- l. Claims 48-52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over **Smith** in view of **MS Win** in further view of **Baldwin**.
- m. Claims 53-54 stand rejected under 35 U.S.C. §103(a) as being unpatentable over **Smith** in view of **MS Win**, and further in view of **Shirakawa**.

VII. ARGUMENT

The following arguments present the rationale for the patentability of independent claims 1, 27 and 45. The separate rejections of the dependent claims are not argued separately, as it is believed that the patentability of their respective independent parent claims negates the separate rejections of the various dependent claims.

a. Rejection of Claims 1-26 under 35 U.S.C. §103(a):

Independent claim 1 was rejected under 35 U.S.C. §103(a) based on the rationale that the combination of the **Smith** and **MS Win** references disclosed each of the elements of the Appellants claimed invention. However, in view of the following

discussion, the Appellants will show that the cited references fail to teach or render obvious several of the claimed elements of the Appellants claimed invention.

In point (a) of the “Response to Arguments” presented on pages 22-23 of the Final Office Action dated March 2, 2005, the Examiner equates information such as the name “*BRIAN BEATON*”, as illustrated in fig. 15B of the *Smith* reference with the Appellants claimed “data objects.” However, it should be noted that Appellants specifically define “data objects” on page 13, lines 23-26 as follows:

“By way of example, ***data objects are, in a basic sense, variables for holding information***, such as, for example, an email address, phone number, or birthday for a contact in an electronic address book, or any other information that can be categorized and stored in a database or other electronic data source.” (emphasis added)

In other words, Appellants are describing and claiming a system wherein particular data objects (i.e., actual variables, not merely the ***content*** of those variables) are arranged as a function of priority, so long as those variables are populated with some content. In this manner, the data in more important variables (higher priority) is displayed prior to the information in less important variables (lower priority), regardless of the content of those variables.

In stark contrast, the name “*BRIAN BEATON*”, as illustrated in fig. 15B of the *Smith* reference appears to represent the ***contents*** of a name type variable. *Smith* clearly describes an alphabetic sort of names (presumably stored in some type of name variable, array, or database) which are then displayed in some type of predefined display. However, *Smith* does ***not*** describe a priority based arrangement of the data objects representing those variables. In other words, the name “*BRIAN BEATON*” will ***always*** appear in the same place in the fixed display disclosed by the *Smith* reference because some software programmer determined what that position should be when writing the software code enabling the system disclosed by the *Smith* reference. Again,

the various names stored by the **Smith** system may be sorted alphabetically. However, the position of the variables containing those various names will never change in the fixed display disclosed by the **Smith** reference.

Therefore, the **Smith** reference does *not* disclose “**automatically associating a priority with each data object in a set of data objects**” because an alphabetic sort of information contained in a variable which itself is displayed in a **predetermined fixed position** is *not*, and can not be, a priority based arrangement of data objects representing **variables for holding information**. Clearly, a variable in a **permanently fixed position**, as disclosed by **Smith**, can *not* be arranged. Consequently, there can not be any priority associated with such variables that determines a non-existent arrangement of those variables. In other words, the **position** of the actual variables (“data objects”) disclosed by the Appellants are arranged when being displayed, as a function of the priority associated with those data objects, while **Smith** provides a system which merely sorts information in variables and then displays those variables in fixed predetermined positions.

It should be noted that the Office Action partially, but incorrectly, addressed this point by stating in point (a) of the “Response to Arguments” presented on page 23, lines 3-6 that:

“Smith teaches displaying data objects wherein **the priority automatically associated with each data object is inherent to the layout** as proven by the displayed arrangement of the data objects and their relative location and distance from each other.” (emphasis added)

Appellants respectfully suggest that this interpretation of the **Smith** reference is in error. In particular, the interpretation quoted above is basically a restatement of the arguments presented by the Examiner in an Examiner Interview on March 8, 2004, between the Examiner and Attorney for Appellants, as previously discussed in the Appellants response dated April 12, 2004.

In the aforementioned Examiner Interview, the Examiner's stated position was that **Smith** described a "**set arrangement to be displayed such that the name field is a precursor to the number field.**" Examiner explained that this **set arrangement** was the same as the Appellants claimed system for "**automatically arranging the position of displayed data objects based on a priority associated with each data object...**" The Examiner further explained that both the name field and the number field described by **Smith** included an **associated priority** because the computer programmer who wrote the software code enabling the **Smith** system had determined that the **name field** should be permanently placed in front of the **number field** in the "**set arrangement**," and that this determination gave a "priority" to each of the name and number fields. Note that this argument is clearly in agreement with the Examiner's statement in the current Office Action that "**the priority automatically associated with each data object is inherent to the layout.**"

However, as previously explained by the Appellants, the Examiner has admitted that **Smith** discloses a "**set arrangement.**" Consequently, a computer programmer's determination of how to **prearrange data fields** in that **set arrangement** can not reasonably be considered to teach "**automatically associating a priority with each data object in a set of data objects**," with that priority then being used to automatically arrange those data objects, as disclosed and claimed by the Appellants. Consequently, Appellants respectfully suggest that the interpretation of the **Smith** reference offered by the Office Action in point (a) is in error. As such, any rejections based on this misinterpretation of the **Smith** reference must be vacated.

Next, in point (b) of the "Response to Arguments" presented on pages 23-24 of the Final Office Action, the Examiner again states that "Smith teaches dynamically populating the display device by arranging a position of data objects within the visible area of the display device beginning with a data object having a highest priority..."

Clearly, as explained above with respect to point (a), **Smith** does not, and can not, dynamically arrange data objects, since the variables in the **Smith** reference are

displayed in set, fixed, predetermined positions. Consequently, Appellants respectfully suggest that the interpretation of the *Smith* reference offered by the Office Action in point (b) is in error. As such, any rejections based on this misinterpretation of the *Smith* reference must be vacated.

The Final Office Action the continued in point (b) by suggesting that:

“The teachings extracted from MS Win is for the feature of ***automatically associating a priority with each data object in a set of data objects***; dynamically populating the display device by arranging a position of data objects within the visible display area of the display device beginning with a data object having a highest priority wherein the automatically arranged position of the data objects within the visible display area is not predefined (figs. 1-4).” (emphasis added).

This point is partially reiterated by the Examiner in point (e) of the Advisory Action dated May 26, 2005. In particular, in this Advisory Action, the Examiner suggested that:

“MS Win does teach that the priority associated with each data object is based on a pre-designated priority list wherein the priority associated with each data object is changeable (MS Win: fig. 3, list 320; Smith: fig 12A; col. 8, lines 25-28; the priority associated with each data object is based on a pre-designated priority list such that selecting another option on the list changes the priority associated with each data object wherein the priority associated with each data object may be one of name, size, etc.).”

In view of these interpretations of the *MS Win* reference, the Examiner further suggests that *MS Win* teaches the Appellants claimed element of “dynamically populating the display device by automatically arranging a position of at least one data

object within a visible display area of the display device beginning with a data object having a highest priority." Specifically, the Examiner argues that:

"selecting 310, "Arranging icons > by Name", allows data objects to be automatically arranged with the visible display area of the display device beginning with a data object having the highest priority 410, "bcbs1"."

In other words, the Examiner is arguing that performing a ***manually ordered*** alphanumeric sort (i.e., *"Arranging icons > by Name"*) is equivalent to the Applicants' claimed element of "... ***automatically arranging*** a position of at least one data object... beginning with a data object ***having a highest priority***" (emphasis added).

However, in stark contrast to the position advanced by the Examiner, a manually initiated alphanumeric sort of the information within particular data fields in the case of the Smith reference (or Icons in the case of the *MS Win* reference) fails completely to teach or in any way disclose providing a ***priority-based arrangement of data objects***, each of which has an ***automatically associated priority***. Again, a manually ordered alphanumeric sorting (sorts by name, size, type, date, etc.) and arrangement of Icons is simply ***not*** a ***priority-based arrangement of data objects*** within the visible area of a display device. Further, in contrast to the position advanced by the Office Action, the Icons of the *MS Win* reference ***do not have an associated priority***. In fact, these Icons simply have a "name," a "date," a "type," or a "size" by which those objects may be ***sorted***.

In other words, the Examiner is offering manually ordered Icon sorts as teaching ***automatically associating a priority with each data object in a set of data objects.*** However, it should be noted that the sort is based on the ***content*** of each Icon, rather than on any priority associated with the Icon itself. For example, any two Icons representing a "shortcut" to any two unique files will be identical except for the information contained within those icons. Consequently, each Icon can be roughly

equated to a “variable” that contains pointers to a particular file, and in some cases additional metadata regarding each of those files.

For example, if one **MS Win** Icon represents a pointer to a file named “a.doc” and a second Icon represents a pointer to a file named “b.doc” then a manually ordered alphabetic sort (e.g., in figs. 1-4; *selecting 310, “Arranging icons > by Name”*) will place the “a.doc” Icon before the “b.doc” Icon. Clearly, this sort, and thus the subsequent arrangement of the Icons in the display device, is being performed as a function of the **content of the variable** represented by the Icon, rather than based on any priority associated with the Icon itself.

In contrast, as explained above, Appellants are describing and claiming a system wherein particular data objects (i.e., actual variables, not the **content** of those variables) are arranged as a function of priority associated with the data objects, so long as those variables are populated with some content. In this manner, the data in more important variables (higher priority) is displayed prior to the information in less important variables (lower priority), **regardless of the content of those variables**. In other words, **MS Win** sorts and arranges the Icons as a function of the content of those Icons. In stark contrast, the claimed invention arranges data objects based on a priority associated with those data objects **regardless of the content of those data objects** (so long as the data objects contain data). Note that not only is this interpretation of the claimed invention fully supported by the text of the specification, it is the only reasonable interpretation of the claimed invention in light of the detailed description of “data objects” noted above.

For example, as explained on page 13, lines 23-26 of the detailed description of the claimed invention:

“By way of example, **data objects are, in a basic sense, variables for holding information**, such as, for example, an email address, phone number, or birthday for a contact in an electronic address book, or any

other information that can be categorized and stored in a database or other electronic data source." (emphasis added)

Further, it should also be clear that the priority associated with the Appellants claimed data objects is **separate** from the content of those data objects. For example, on page 15, lines 9-29, of the Appellants detailed description, Appellants describe one example of the use of priorities with respect to "data objects" used to populate an electronic "address book" type display:

"Still another example of a prioritized data set includes specific information relevant to one or more contacts in an electronic address book. Examples of such specific information includes items such as, for example, a contact name, an email address, a home, work, fax, pager or cell phone number, a contact home or business address, a contact birthday, or any other information that may be associated with a contact in the address book. **Each of these specific information items, or data objects, is preferably assigned a priority** using one of the above-described methods, i.e. predefined priority list, dynamic priority list, or user specified/modified priority list. For example, priorities for specific data object types may simply be predefined based on a presumed order of importance for each data object type. Consequently, a contact email address may be given the highest priority, followed in decreasing order of priority by a contact home telephone number, a contact home address, a contact birthday, a contact business phone number, etc. Clearly, any desired order of priority may be associated with such data objects. Alternately, in using a dynamic priority list, priority is based on frequency of use or access by a user. Consequently, in such an embodiment, the prioritized data module 410 simply keeps a count of how often a user makes use of a particular data object type for contacts in the address book, such as, for example, a contact email address or contact home phone number. Using this count, the prioritized data module 410 then

automatically assigns increasing priorities to data objects in order of increasing use for those data object types." (emphasis added)

Again, it should be clear that the priorities are not a function of the content of the data objects, but are instead a function of the relative importance of each data object. In contrast, as explained above, the different Icons of the **MS Win** reference are basically the same variable (with the primary difference being pointers to different files and possibly different metadata). Arrangement of the **MS Win** Icons is therefore performed as a function of the content of those Icon variables. Consequently, because manually ordered sorts based on the **content** of two or more variables does not associate a priority with the claimed "data objects," it should be clear that the **MS Win** reference fails completely to disclose "**automatically associating a priority with each data object in a set of data objects.**"

In addition to the aforementioned points regarding priority, the Examiner also suggests that both the **Smith** and **MS Win** reference teach a pre-designated priority list that is used to assign or associate priorities with each data object.

For example, in point (e) of the "Response to Arguments" presented on pages 24-25 of the Final Office Action, the Examiner offers "list 320" of Fig. 3 of the **MS Win** reference as teaching a "pre-designated priority list." Specifically, the Examiner states:

"MS Win does teach that the priority associated with each data object is based on a pre-designated priority list wherein the priority associated with each data object is changeable (MS Win: fig. 3, *list 320*; Smith: fig 12A; col 8, lines 25-28; *the priority associated with each data object is based on a pre-designated priority list such that selecting another option on the list changes the priority associated with each data object wherein the priority associated with each data object may be one of name, size, etc.*).

However, with respect to the **MS Win** reference, and in stark contrast to the position advanced by the Office Action, it should be clear that “list 320” of Fig. 3 of the **MS Win** reference fails to teach a “pre-designated priority list.” In fact, the Applicants respectfully suggest that the Office Action has again mischaracterized the **MS Win** reference with respect to this “pre-designated priority list” feature.

In particular, list 320 of Fig. 3 of the **MS Win** reference merely provides for various sorting criteria, including: name sorts; size sorts, type sorts and date sorts. Clearly, icons representing particular files, shortcuts, etc., in the **MS Win** include various characteristics including, for example, a file name, a file type, a file size, and a creation date. However, none of this information constitutes an automatically assigned priority as described and claimed by the Applicants. Further, the mere capability to sort icons based on these identifying characteristics has nothing whatsoever to do with a list of pre-defined priorities. Plainly stated, a list of pre-defined priorities is not equivalent to a list of various criteria for sorting icons. Further, as described above, these sorts are based on the **content** of each Icon, rather than on any priority associated with the Icons themselves. Consequently, the **MS Win** reference fails to teach that “the priority associated with each data object is based on a pre-designated priority list.”

Further, as indicated above, the Office Action also offers the **Smith** reference, Fig. 12A, and col. 8, lines 25-28 as disclosing a “pre-designated priority list.” However, in contrast to the position advanced by the Examiner, Fig. 12A, and col. 8, lines 25-28 of the **Smith** reference merely describe **populating** predefined fields, and possible manual selection of an “information icon,” rather than associating any “priority” with those fields.

Specifically, Fig. 12A of the **Smith** reference merely illustrates a sample screen for creating an Electronic Business Card (EBC) using Caller ID (CLID) information received during a telephone call. This interpretation of Fig. 12A is fully supported by lines 25-28 of the **Smith** reference, as well as the text surrounding the lines offered by

the Examiner in the Final Office Action to support this argument. For example, in col. 8, lines 24-33, **Smith** describes Fig. 12A as follows:

“Referring to FIG. 12A, screen 1210 is an exemplary display, consistent with the present invention, of **when the user receives a call from a caller. CLID information, "Bobby Bonito" and "738-9157," appears in the name and number fields, respectively.** The user, while on the phone with the caller, **may select an information icon 1211 to display the EBC associated with the caller.** Upon selection, program 520 searches either the name or telephone field of stored EBCs to locate the match. If program 520 finds a match, program 520 displays the corresponding EBC.” (emphasis added)

Clearly, **Smith** is describing populating **predefined** fields (i.e., the “name” and “number” fields) with information received from the CLID system. Further, **Smith** explains that the user can then **manually select** an “information icon” for displaying an Electronic Business Card associated with the person identified by the CLID system.

Therefore, the Appellants respectfully suggest that the reasonable interpretation of Fig. 12A; and col. 8, lines 25-28 is that **Smith** merely describes **populating** the predefined fields, and possibly manually selecting an “information icon,” rather than associating any “priority” with those fields (e.g., using information from the CLID system to find a match of the stored EBC’s which is then displayed). Further, it should be clear that the selection of the “information icon” via the user interface **fails completely** to describe that “**the priority associated with each data object is configured via a user interface**” as further argued by the Examiner. Consequently, the Appellants respectfully suggest that the Examiner has mischaracterized the **Smith** reference with respect to the “pre-designated priority list.”

Next, in point (c) of the “Response to Arguments” presented on page 24 of the Final Office Action, the Examiner argues:

"MS Win does teach that the automatically arranged position of data objects within a visible display area is not predefined (figs. 1-4; *populating the display device with "New Data Object" 110 and selecting 310, "Arranging icons > by Name", allows data objects to be automatically arranged with the visible display area of the display device beginning with a data object having the highest priority 410, "bcbs1", wherein the automatically arranged position is not predefined but defined upon selecting 310.*.)"

It should be noted that in the Final Office Action, the Examiner failed completely to respond to the substance of the Appellants traversal of this point, except for a verbatim restatement of the original assertion made by the previous Office Action. The MPEP requires the Examiner to respond to the substance of the Appellants arguments whenever a traversal of the any rejection is made. Therefore, Appellants have not been afforded an adequate forum in which to respond to this particular point, as the Office Action failed to reply to any of the Appellants arguments with respect to this point. For these reasons, the arguments presented previously by the Appellants will again be presented below.

In particular, the Examiner argues that the **MS Win** reference teaches that "*the automatically arranged position is not predefined but defined upon selecting 310...*" In other words, in the Final Office Action, the Examiner is arguing that the manual creation of Icons described by the Examiner with respect to Figs. 1-4 of the **MS Win** reference teaches that "*the automatically arranged position of data objects within the visible display area is not predefined,*" as disclosed and claimed by the Applicant.

However, the Appellants respectfully suggest that the Examiner has mischaracterized the **MS Win** reference. In particular, in stark contrast to the position advanced by the Examiner, the Appellants respectfully suggest that the **MS Win** operating system **automatically arranges newly created Icons** within a folder window, such as the one shown, **within a grid pattern by default**. However, where a user has

deselected the “Arrange Icons > Auto Arrange” option, icons that are created by dragging and dropping an object into the folder window will simply be placed **exactly** where the user manually drops that object. In other words, in this case, the **user** is predefining the position of particular Icons. **Note that this manual arrangement has no automatically assigned priority whatsoever.** It should also be noted that Icons that are created by means other than dragging and dropping will still be arranged in the **predefined** grid pattern by default (in the first open slot in the grid pattern), even where the “Auto Arrange” option is deselected.

Consequently, the positions of the icons within the **MS Win** folder windows are, when first created, either **automatically arranged within a grid in the order they are created** or simply manually placed in **specific locations** that are predefined by the user within the window if the “Auto Arrange” option is disabled. Therefore, the icon position is either **predefined** based on the grid layout which automatically places the Icon in the next available grid spot, **whether or not that grid spot is visible in the window**, or the position is **predefined** by **user selection of the exact spot** within the window where the icon is dropped. Therefore, it should be clear that the **MS Win** reference fails completely to teach or in any way disclose that “the automatically arranged position of data objects within the visible display area **is not predefined**,” as disclosed and claimed by the Appellants.

Next, in point (d) of the “Response to Arguments” presented on page 24 of the Final Office Action, the Examiner states:

“... the modified MS Win does teach continuing to dynamically populate the display device by continuing to automatically arrange a position of one or more of the data objects having a next highest priority until available space within the visible display area of the display device has been filled with data objects (MS Win: figs. 1-4; the data objects are populated until available space within the visible display area of the display device has been filled with data objects). Applicant’s assertion that MS Win will

continue to populate the non-visible display area with data objects seems to rely on a scenario wherein data objects exceeds visible displayed space and does not preclude a scenario wherein the data objects are populated until available space within the visible display area of the display device has been filled by objects as claimed."

In response, Appellants' respectfully suggest that the two "scenarios" offered by the Office Action as supporting the teaching of the claimed feature relating to "continuing to dynamically populate the display device by continuing to automatically arrange a position of one or more of the data objects having a next highest priority *until available space within the visible display area of the display device has been filled with data objects*" (emphasis added) amount to a mischaracterization of the *MS Win* reference.

In particular, the Office Action suggests that "Applicant's assertion that MS Win will continue to populate the non-visible display area with data objects... does not preclude a scenario wherein the data objects are populated *until* available space within the visible display area of the display device has been filled by objects as claimed" (emphasis added). However, the "scenario" offered by the Examiner is in fact precluded in *MS Win*.

Specifically, as previously explained by the Appellants, it is well known that many more icons can be added to a folder window than will fit within the visible display window of the folder windows of the *MS Win* reference. In fact, as illustrated by Figs. 2-6 of the *MS Win* reference, as soon as the icons will not fit within the visible area of the display window, **scroll bars** are automatically added to the window to allow the user to scroll through the icons within the window. Consequently, rather than continuing to populate the window only "*until available space within the visible display area of the display device has been filled*," as disclosed and claimed by the Appellants, the *MS Win* reference will continue long past this point by simply populating non-visible areas of the display which are then available for viewing through the use of the scroll bar.

Further, it should be noted that the Appellants claim “*automatically*... dynamically populate the display device... until available space within the **visible display area of the display device has been filled with data objects.**” However, as noted above, in stark contrast to the position advanced by the Examiner, **MS Win** is specifically designed automatically add scroll bars to a window so that Icons can be added to **non-visible portions** of a display window. Clearly, it is possible that given a large enough display window and only few Icons, there won’t be sufficient Icons to fill the available space in the system taught by the **MS Win** reference. However, the actual claim language must be examined in interpreting the claim.

Specifically, the Appellants claim a system that is capable of **automatically continuing** to populate the window **until** the available space has been filled with data objects. Consequently, once the available space has been filled, further **automatic** population of the display area is inherently **terminated**. **MS Win** fails completely to provide for any such automatic termination of window population based on a visible display area. Further, the “scenario” advanced by the Examiner does **not** provide **MS Win** with any such capability. In fact, unless a user **manually** terminates the addition of additional Icons when the display window is filled, any additional Icons will simply be added in the non-visible display area of that window. Consequently, it should be clear that the Examiner has mischaracterized the **MS Win** reference with respect to this claimed feature.

In view of the preceding discussion, the Appellants respectfully suggest that the **Smith - MS Win** combination reference fails to teach several elements of the Appellants claimed invention with respect to independent claim 1. Consequently, no *prima facie* case of obviousness has been established in accordance with M.P.E.P. Section 706.02(j) and in accordance with the holdings of *In Re Fine*. This lack of a *prima facie* showing of obviousness means that the rejected claims are patentable under 35 U.S.C. §103(a). The basis for this patentability is the nonobvious language of independent claim 1, as cited below. In particular, claim 1 includes the following novel language:

“A system for automatically displaying data objects on a computer display device comprising:

automatically associating a priority with each data object in a set of data objects;

dynamically populating the display device by automatically arranging a position of at least one data object within a visible display area of the display device beginning with a data object having a highest priority;

wherein the automatically arranged position of data objects within the visible display area is not predefined; and

continuing to dynamically populate the display device by continuing to automatically arrange a position of one or more of the data objects having a next highest priority until available space within the visible display area of the display device has been filled with data objects.”

(emphasis added)

Therefore, the Appellants respectfully traverse the rejection of independent claim 1 under 35 U.S.C. §103(a) over ***Smith*** in view of ***MS Win*** in view of the non-obviousness of claim 1. Consequently, Appellants respectfully request reversal of the Examiner’s rejection of claim 1, and thus of dependent claims 2-26 under 35 U.S.C. §103(a) in view of the non-obviousness of claim 1.

b. Rejection of Claims 27-44 under 35 U.S.C. §103(a):

The Office Action rejected independent claim 27 under 35 U.S.C. §103(a), based on the rationale that the suggested ***Smith - MS Win*** combination reference discloses each of the elements of the Applicant’s claimed “...process for automatically displaying contact information for contacts in an electronic address book...”

In general, in the Final Office Action, the Examiner generally repeats the rejection offered with respect to claim 1 in addressing each of the elements of independent claim 27. Consequently, rather than repeating the detailed arguments presented above with

respect to the rejection of claim 1, those arguments are incorporated by reference into the arguments for the patentability of claim 27.

In view of the preceding discussion, the Applicants respectfully suggest that the suggested **Smith** - **MS Win** combination reference fails to teach a number of the elements of the Applicants' claimed invention related to automatic **priority-based** arrangement of data elements within a **non-predefined layout** in a display area, as disclosed and claimed in independent claim 27.

Specifically, as explained above with respect to the rejection of claim 1, both the **Smith** and **MS Win** references fail to teach associating or assigning a priority with data objects (or elements of contact information in the case of claim 27), the suggested **Smith** - **MS Win** combination reference fails to teach the claimed element of: "selecting a contact in the electronic address book via a user interface, said contact including at least one element of contact information, and **wherein each contact element includes an associated priority**" (emphasis added).

Similarly, as explained above, with respect to the rejection of claim 1, both the **Smith** and **MS Win** references teach **predefined** layouts for arranging objects, such as names or icons. Consequently, both the **Smith** and **MS Win** references fail to teach the claimed element of "providing a display area within a computer display device for displaying one or more elements of the contact information, and **wherein a layout of displayed elements of the contact information within the display area is not predefined**" (emphasis added).

Finally, as explained above with respect to the rejection of claim 1, the **MS Win** references fails to teach an automatic termination of window population with icons at the point where the visible display area of the window becomes filled with icons. As a result, the **MS Win** reference fails to teach the claimed element of "**automatically determining and arranging a position of at least one of the elements of the contact information within the display area for dynamically generating a priority-**

based layout of contact elements within the display area, using individual elements of the contact information ***in order of higher priority to lower priority***, with lower priority elements of the contact information being displayed **only when available space exists within the display area**" (emphasis added).

Thus, the present invention, as claimed by independent claim 27, has elements not taught in the ***Smith - MS Win*** combination reference. Consequently, no prima facie case of obviousness has been established in accordance with M.P.E.P. Section 706.02(j) and in accordance with the holdings of *In Re Fine*. This lack of a prima facie showing of obviousness means that the rejected claim is patentable under 35 U.S.C. §103(a). The basis for this patentability is the nonobvious language of independent claim 27. In particular, claim 27 recites the following novel language:

"A computer-implemented process for automatically displaying contact information for contacts in an electronic address book, comprising:

selecting a contact in the electronic address book via a user interface, said contact including at least one element of contact information, and **wherein each contact element includes an associated priority**;

providing a display area within a computer display device for displaying one or more elements of the contact information, and **wherein a layout of displayed elements of the contact information within the display area is not predefined**;

automatically determining and arranging a position of at least one of the elements of the contact information within the display area for dynamically generating a priority-based layout of contact elements within the display area, using individual elements of the contact information ***in order of higher priority to lower priority***, with lower priority elements of the contact information being displayed **only when available space exists within the display area**." (emphasis added)

Therefore, the Appellants respectfully traverse the rejection of independent claim 27 under 35 U.S.C. §103(a) over **Smith** in view of **MS Win** in view of the non-obviousness of claim 27. Consequently, Appellants respectfully request reversal of the Examiner's rejection of claim 27, and thus of dependent claims 28-44 under 35 U.S.C. §103(a) in view of the non-obviousness of claim 27.

c. **Rejection of Claims 45-57 under 35 U.S.C. §103(a):**

In the Final Office Action, the Examiner rejected independent claim 45 under 35 U.S.C. §103(a) based on the rationale that the suggested **Smith - MS Win** combination reference discloses each of the elements of the Applicant's claimed "...computer executable instructions for dynamically displaying a subset of at least one data element from a set of data elements on a computer display device..."

In particular, the Office Action states that claim 45 "is similar in scope to claims 1 and 27, and is therefore rejected under similar rationale." Consequently, rather than repeating the detailed arguments presented above with respect to the rejection of claims 1 and 27, those arguments are incorporated by reference into the arguments for the patentability of claim 45.

In view of the preceding discussion, the Applicants respectfully suggest that the suggested **Smith - MS Win** combination reference fails to teach a number of the elements of the Applicants' claimed invention related to automatic **priority-based** arrangement of data elements within a **non-predefined layout** in a display area, as disclosed and claimed in independent claim 45.

Specifically, as explained above with respect to the rejection of claim 1, both the **Smith** and **MS Win** references fail to teach associating or assigning a priority with data objects (or elements of contact information in the case of claim 27), the suggested **Smith - MS Win** combination reference fails to teach the claimed elements of:

“automatically assigning a priority to each data element” and “sorting the data elements in order of highest priority to lowest priority” (emphasis added).

Similarly, as explained above, with respect to the rejection of claim 1, both the **Smith** and **MS Win** references teach **predefined** layouts for arranging objects, such as names or icons. Consequently, both the **Smith** and **MS Win** references fail to teach the claimed element of “providing a display area within a computer display device for displaying one or more of the data elements, and **wherein a layout of displayed elements of the contact information within the display area is not predefined**” (emphasis added).

Finally, as explained above with respect to the rejection of claim 1, the **MS Win** references fails to teach an automatic termination of window population with icons at the point where the visible display area of the window becomes filled with icons. As a result, the **MS Win** reference fails to teach the claimed element of “automatically generating a layout for arranging and displaying as many of the data elements as will fit within the display area” in order of **highest priority to lowest priority**, and wherein the displayed data elements comprise the displayed subset of at least one data element” (emphasis added).

Consequently, no prima facie case of obviousness has been established in accordance with M.P.E.P. Section 706.02(j) and in accordance with the holdings of *In Re Fine*. This lack of a prima facie showing of obviousness means that the rejected claims are patentable under 35 U.S.C. §103(a). The basis for this patentability is the nonobvious language of independent claim 45. In particular, claim 45 recites the following novel language:

“A computer-readable medium having computer executable instructions for dynamically displaying a subset of at least one data element from a set of data elements on a computer display device, said computer executable instructions comprising:

automatically assigning a priority to each data element;
sorting the data elements in order of highest priority to lowest
priority;

providing a display area within a computer display device for displaying one or more of the data elements, and ***wherein a layout of displayed elements of the contact information within the display area is not predefined***; and
automatically generating a layout for arranging and displaying as many of the data elements as will fit within the display area in order of ***highest priority to lowest priority***, and wherein the displayed data elements comprise the displayed subset of at least one data element.” (emphasis added)

Therefore, the Appellants respectfully traverse the rejection of independent claim 45 under 35 U.S.C. §103(a) over ***Smith*** in view of ***MS Win*** in view of the non-obviousness of claim 45. Consequently, Appellants respectfully request reversal of the Examiner’s rejection of claim 45, and thus of dependent claims 46-57 under 35 U.S.C. §103(a) in view of the non-obviousness of claim 45.

VIII. CLAIMS APPENDIX

The claims listed below provide a complete copy of all claims involved in the Appeal:

Listing of Claims:

Claim 1 (Previously Presented). A system for automatically displaying data objects on a computer display device comprising:

automatically associating a priority with each data object in a set of data objects; dynamically populating the display device by automatically arranging a position of at least one data object within a visible display area of the display device beginning with a data object having a highest priority;

wherein the automatically arranged position of data objects within the visible display area is not predefined; and

continuing to dynamically populate the display device by continuing to automatically arrange a position of one or more of the data objects having a next highest priority until available space within the visible display area of the display device has been filled with data objects.

Claim 2 (Original). The system of claim 1 wherein the priority associated with each data object is based on a pre-designated priority list.

Claim 3 (Original). The system of claim 1 wherein the priority associated with each data object is changeable.

Claim 4 (Original). The system of claim 3 wherein the dynamic population of the display device is automatically and dynamically updated when a priority associated with a data object is changed.

Claim 5 (Original). The system of claim 3 wherein the priority associated with each data object is configured via a user interface.

Claim 6 (Original). The system of claim 3 wherein the priority associated with each data object is automatically determined based upon a frequency of use for each data object.

Claim 7 (Original). The system of claim 1 wherein the dynamic population of the display device further comprises not displaying data objects that do not contain data.

Claim 8 (Original). The system of claim 1 wherein data comprising each data object is changeable.

Claim 9 (Original). The system of claim 8 wherein the dynamic population of the display device is automatically and dynamically updated when the data comprising a data object is changed.

Claim 10 (Original). The system of claim 8 wherein the data objects are editable via a user interface.

Claim 11 (Original). The system of claim 8 wherein the data objects are added via a user interface.

Claim 12 (Original). The system of claim 8 wherein the data objects are deleted via a user interface.

Claim 13 (Original). The system of claim 1 wherein the data objects are stored in at least one electronic database.

Claim 14 (Original). The system of claim 1 wherein the available space on the computer display device is adjustable.

Claim 15 (Original). The system of claim 14 wherein the dynamic population of the display device is automatically and dynamically updated when the available space on the computer display device is adjusted.

Claim 16 (Original). The system of claim 14 wherein the available space on the computer display device is adjusted automatically.

Claim 17 (Original). The system of claim 14 wherein the available space on the computer display device is adjusted via a user interface.

Claim 18 (Original). The system of claim 1 wherein the dynamic population of the display device further comprises automatically arranging the position of displayed data objects in a single column.

Claim 19 (Original). The system of claim 1 wherein the dynamic population of the display device further comprises automatically arranging the position of displayed data objects in at least one column.

Claim 20 (Original). The system of claim 19 wherein a number of columns for displaying data objects is determined by automatically computing the number of columns that will fit within the available space on the computer display device.

Claim 21 (Original). The system of claim 20 wherein the width of each column is fixed.

Claim 22 (Original). The system of claim 20 wherein the width of each column is automatically determined by computing the minimum width required for displaying prioritized data objects in each column.

Claim 23 (Original). The system of claim 1 wherein each displayed data object has an associated action button selectable via a user interface for performing specific actions relative to each displayed data object.

Claim 24 (Original). The system of claim 1 wherein a picture representing the displayed data objects is displayed on the computer display device.

Claim 25 (Original). The system of claim 24 wherein the picture is chosen via a user interface.

Claim 26 (Original). The system of claim 24 wherein the picture has an associated priority, and wherein the picture is displayed only when available space exists on the computer display device after displaying all higher priority data objects.

Claim 27 (Previously Presented). A computer-implemented process for automatically displaying contact information for contacts in an electronic address book, comprising:

selecting a contact in the electronic address book via a user interface, said contact including at least one element of contact information, and wherein each contact element includes an associated priority;

providing a display area within a computer display device for displaying one or more elements of the contact information, and wherein a layout of displayed elements of the contact information within the display area is not predefined;

automatically determining and arranging a position of at least one of the elements of the contact information within the display area for dynamically generating a priority-based layout of contact elements within the display area, using individual elements of the contact information in order of higher priority to lower priority, with lower priority elements of the contact information being displayed only when available space exists within the display area.

Claim 28 (Original). The computer-implemented process of claim 27 wherein the priority associated with each individual element of the contact information is automatically assigned to each element.

Claim 29 (Original). The computer-implemented process of claim 27 wherein the priority associated with each individual element of the contact information is manually assigned to each element via the user interface.

Claim 30 (Previously Presented). The computer-implemented process of claim 28 wherein the priority associated with each individual element of the contact information is editable via the user interface.

Claim 31 (Original). The computer-implemented process of claim 27 wherein individual elements of the contact information are not dynamically displayed regardless of priority if the individual elements of the contact information are not populated.

Claim 32 (Original). The computer-implemented process of claim 27 further comprising automatically populating at least one of the individual elements of the contact information from data in an electronic database.

Claim 33 (Original). The computer-implemented process of claim 27 further comprising manually populating at least one of the individual elements of the contact information via the user interface.

Claim 34 (Original). The computer-implemented process of claim 27 further comprising editing at least one of the individual elements of the contact information via the user interface.

Claim 35 (Previously Presented). The computer-implemented process of claim 27 further comprising dynamically updating the priority-based layout of the individual elements of the contact information when any of the individual elements of the contact information is changed.

Claim 36 (Previously Presented). The computer-implemented process of claim 27 further comprising dynamically updating the priority-based layout of the individual elements of the contact information when any of the priorities associated with any of the individual elements of the contact information is changed.

Claim 37 (Previously Presented). The computer-implemented process of claim 27 further comprising adjusting the available space of the display area on the computer display device.

Claim 38 (Previously Presented). The computer-implemented process of claim 37 further comprising dynamically updating the priority-based layout of the individual elements of the contact information when the available space of the display area on the computer display device is adjusted.

Claim 39 (Original). The computer-implemented process of claim 27 wherein the individual elements of the contact information are automatically arranged in at least one column on the computer display device.

Claim 40 (Previously Presented). The computer-implemented process of claim 39 wherein the number of columns on the computer display device is automatically determined based on a width of the available space of the display area on the computer display device.

Claim 41 (Original). The computer-implemented process of claim 39 wherein a width of each column is automatically determined based on a minimum width of the individual elements of the contact information that are automatically arranged in each column.

Claim 42 (Original). The computer-implemented process of claim 27 further comprising:
associating at least one action button with each individual element of the contact information;
wherein each action button is selectable via the user interface; and
wherein each action button automatically initiates a predetermined computer-implemented process relative to the individual element of the contact information associated with each action button.

Claim 43 (Original). The computer-implemented process of claim 27 further comprising automatically displaying an image for representing the contact in the electronic address book selected via the user interface.

Claim 44 (Previously Presented). The computer-implemented process of claim 43 wherein the image has an associated priority, and wherein the image is only displayed if sufficient available space exists on the display area of the computer display device after displaying all higher priority individual elements of the contact information.

Claim 45 (Previously Presented). A computer-readable medium having computer executable instructions for dynamically displaying a subset of at least one data element from a set of data elements on a computer display device, said computer executable instructions comprising:

automatically assigning a priority to each data element;

sorting the data elements in order of highest priority to lowest priority;

providing a display area within a computer display device for displaying one or more of the data elements, and wherein a layout of displayed elements of the contact information within the display area is not predefined; and

automatically generating a layout for arranging and displaying as many of the data elements as will fit within the display area in order of highest priority to lowest priority, and wherein the displayed data elements comprise the displayed subset of at least one data element.

Claim 46 (Original). The computer-readable medium of claim 45 wherein assigning a priority to each data element comprises using a predefined priority list to prioritize each data element.

Claim 47 (Original). The computer-readable medium of claim 45 wherein assigning a priority to each data element comprises prioritizing each data element via a user interface.

Claim 48 (Original). The computer-readable medium of claim 46 wherein the predefined priority list is editable via a user interface, and wherein the display of data elements is dynamically updated when the predefined priority list is edited.

Claim 49 (Previously Presented). The computer-readable medium of claim 45 wherein the data elements are editable, and wherein the automatically generated layout of data elements is dynamically updated when any of the data elements are edited.

Claim 50 (Previously Presented). The computer-readable medium of claim 45 wherein data elements are added to the set of data elements, and wherein the automatically generated layout of data elements is dynamically updated when data elements are added to the set of data elements.

Claim 51 (Previously Presented). The computer-readable medium of claim 45 wherein data elements are deleted from the set of data elements, and wherein the automatically generated layout of data elements is dynamically updated when data elements are deleted from the set of data elements.

Claim 52 (Previously Presented). The computer-readable medium of claim 45 wherein the display area on the computer display device is adjustable, and wherein the automatically generated layout of data elements is dynamically updated when the display area on the computer display device is adjusted.

Claim 53 (Original). The computer-readable medium of claim 52 wherein data elements are displayed in at least one column within the display area of the computer display device, and wherein the number of columns is automatically determined based on a width of the display area.

Claim 54 (Original). The computer-readable medium of claim 53 wherein each column has a variable width that is automatically determined based upon a minimum width necessary to display the data elements in at each column.

Claim 55 (Original). The computer-readable medium of claim 45 wherein at least one action button is displayed adjacent to each displayed data element, and wherein each action button is capable of initiating computer executable instructions when selected via a user interface.

Claim 56 (Original). The computer-readable medium of claim 45 wherein the displayed subset of data elements is automatically color-coded based on a pre-designated category for describing the set of data elements.

Claim 57 (Original). The computer-readable medium of claim 45 wherein the displayed subset of data elements is automatically shaded based on a pre-designated category for describing the set of data elements.

IX. EVIDENCE APPENDIX

NONE

X. RELATED PROCEEDINGS APPENDIX

NONE

Respectfully submitted,



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